

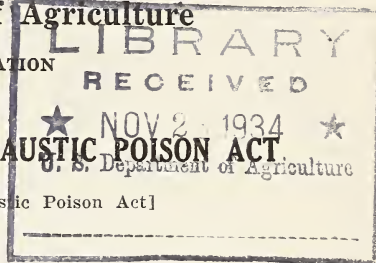
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Issued November 1934

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION



NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the Caustic Poison Act]

22-25

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 1, 1934]

22. Misbranding of Ma Burns' External Liniment. U. S. v. William B. McClellan (Ma Burns' Liniment Co.). Plea of guilty. Fine, \$1. (C. P. A. no. 21. Sample no. 8298-A.)

This case involved a liniment which contained ammonia, a dangerous caustic or corrosive substance in concentration of 5 percent, or more, namely, 8.8 percent of ammonia. The common name of the said dangerous substance, the word "Poison", and directions for treatment in case of accidental personal injury, all of which statements are required by law, were not printed on the label.

On January 20, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William B. McClellan, trading as Ma Burns' Liniment Co., Everett, Mass., alleging shipment by said defendant in violation of the Federal Caustic Poison Act, on or about February 5 and March 4, 1932, from the State of Massachusetts into the State of New Jersey, of a quantity of Ma Burns' Liniment which was misbranded.

It was alleged in the information that the article contained ammonia in a concentration of 5 percent or more, and was a dangerous caustic or corrosive substance in packages suitable for household use, and was misbranded, since the packages did not bear the common name of the said substance, to wit, ammonia; the packages did not bear the word "poison" as required by law, and they did not have printed thereon directions for treatment in case of accidental personal injury.

The information also charged a violation of the Food and Drugs Act, reported in Notice of Judgment no. 22185, published under that act. On February 12, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$1 for violation of the Caustic Poison Act and \$4 for violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

23. Misbranding of packages of ammonia. U. S. v. 252 Bottles of Concentrated Ammonia. Consent decree of condemnation with provision for release under bond for relabeling. (C. P. A. no. 25. Sample no. 66763-A.)

This case involved a product containing free, or chemically uncombined, ammonia (NH₃) in a concentration of 5 percent or more. The label failed to bear the word "Poison" and directions for treatment in case of accidental personal injury.

On March 9, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 252 bottles of ammonia at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about August 9, 1933, by the Merchants Service Corporation, from Chicago, Ill., and charging misbranding in violation of the Federal Caustic Poison Act. The article was labeled in part: "M. S. C. Brand Concentrated Ammonia."

It was alleged in the libel that the article was misbranded in that it was a dangerous caustic and corrosive substance and the word "poison" did not

appear on the label, nor were directions for treatment in case of accidental personal injury resulting from its use borne on the label.

On April 2, 1934, the Ryan-Sheridan Co., Sheridan, Wyo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

24. Misbranding of packages of ammonia. U. S. v. 11 Cases of Old Witch, the Milky White Ammonia. Default decree of condemnation and forfeiture. Product delivered to Government agency. (C. P. A. no. 26. Sample no. 62916-A.)

This case involved a product containing free, or chemically uncombined, ammonia (NH_3) in a concentration of 5 percent or more, namely, 9.81 percent. The word "poison", appearing on the label, was not of the size required by law; and the label failed to bear complete directions for treatment in case of accidental personal injury, since directions for treatment in case of injury to the eyes were not included.

On March 9, 1934, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of ammonia at Buffalo, N. Y., consigned by the Old Witch Products Corporation, alleging that the article had been shipped in interstate commerce on or about October 25, 1933, from Washington, Pa., and that it was a caustic poison in packages suitable for household use and was misbranded in violation of the Federal Caustic Poison Act.

It was alleged in the libel that the article was misbranded in that the word "poison" on the label was less than 24-point size and smaller than the largest letters on the label, and in that the label did not bear complete directions for treatment in case of accidental personal injury.

On April 4, 1934, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered. On April 25, 1934, an amended decree was filed ordering that the product be delivered to a Government agency.

M. L. WILSON, *Acting Secretary of Agriculture.*

25. Misbranding of packages of Marvel Bactericide Powder Sodium Hypochlorite. U. S. v. Marvel Products Co., Inc. Plea of nolo contendere. Fine, \$10. (C. P. A. no. 27. Sample no. 39239-A.)

This case involved a dangerous caustic or corrosive substance in packages suitable for household use. The labels failed to bear the information and warning that the law requires be placed on the labels of such products as a safeguard in their use.

On June 14, 1934, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Marvel Products Co., Inc., a corporation, Jacksonville, Fla., alleging shipment by said company, on or about August 17, 1933, from the State of Florida into the State of Georgia, of a quantity of Marvel Bactericide Powder Sodium Hypochlorite which was misbranded in violation of the Federal Caustic Poison Act.

It was alleged in the information that the article contained calcium hypochlorite in a concentration so as to yield 10 percent, or more, by weight of available chlorine, and was a dangerous caustic or corrosive substance in packages suitable for household use, and was misbranded in that the label did not bear the word "poison"; it did not bear a statement giving the common name of the said caustic or corrosive substance, namely, calcium hypochlorite, contained in the article; and the label did not bear directions for treatment in case of accidental personal injury.

The information also charged a violation of the Insecticide Act of 1910, reported in Notice of Judgment no. 1336 published under that act. On July 2, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$10 for both violations.

M. L. WILSON, *Acting Secretary of Agriculture.*